

**REMARKS**

Reconsideration of this application is respectfully requested.

Claims 16-29 are pending in the application, with Claims 16 and 21 being the independent claims.

The Examiner objected to Claim 21. The Examiner rejected Claims 16-19 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,216,106 to *John* in view of U.S. Patent No. 5,280,521 to *Itoh*, U.S. Patent No. 6,477,243 to *Choksi et al.* (hereinafter, *Choksi*) and U.S. Patent No. 6,185,433 to *Lele et al.* (hereinafter, *Lele*). The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Choksi*, *Lele* and U.S. Patent No. 3,866,206 to *DeGiorgio et al.* (hereinafter, *DeGiorgio*). The Examiner rejected Claims 21-25 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh* and *Lele*. The Examiner rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Lele* and *DeGiorgio*.

Regarding the objection to Claim 21, the Examiner contends that it is not clear what is confirmed. Applicant asserts that it is clear that confirming a message indicates that the message has been played back or read by a user. Accordingly, Applicant respectfully requests withdrawal of the objection.

Regarding the §103(a) rejection of Claims 16-19 and 27-29, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *John*, *Itoh*, *Choksi* and *Lele*.

*John* discloses a method for providing voice message status stored in a voice messaging system. *Itoh* discloses a system for setting up a channel in a portable telephone system. *Choksi* discloses a system for automatic confirmation of a receipt of a facsimile message by the intended

recipient thereof. *Lele* discloses a method for determining an operational status of a communication device.

Claim 16 recites a method of communicating a confirmation message. A called mobile station is informed of receipt of a message from a calling mobile station. When the received message is a text message, it is determined whether a user of the called mobile station has confirmed the received message, which is stored in the called mobile station. A confirmation message is transmitted from the called mobile station directly to the calling mobile station. The confirmation message is generated by the called mobile station when the user of the called mobile station has confirmed the received message and the confirmation message includes a telephone number of the calling mobile station.

The Examiner contends that *John* discloses determining, by a called mobile station, when a voice call is not normally established between the called mobile station and a calling mobile station, whether a user of the called mobile station has confirmed a message. However, *John* describes that a voice message is stored in a mailbox assigned to a called party in a voice messaging system. The status of a sent voicemail may be sent to a sender of the voicemail upon request. A status request of *John* differs significantly from informing a called mobile station that a message has been received from a calling mobile station, as recited in Claim 16.

*Itoh* describes that a mobile station stores a message and indicates reception to a calling party. *Choksi* describes that each sender is notified of successful receipt of messages. *Choksi* further describes a confirmation button displayed on a web page. *Lele* describes the sending of a data message directly between devices. While the combination of references may disclose that a sender of a message is notified upon receipt of the message, it fails to provide any disclosure relating to a user confirming a message. Thus, the combination of references fails to disclose that a confirmation message is sent when the user of the mobile station confirms a received message, as recited in Claim 16. Therefore, Claim 16 is patentable over the combination of *John*, *Itoh*, *Choksi* and *Lele*.

Regarding Claims 17-19 and 27-29, while not conceding the patentability of the dependent claims, *per se*, Claims 17-19 and 27-29 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 16-19 and 27-29 are allowable over the combination of *John*, *Itoh*, *Choksi*, *Lele*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claims 21-25, the Examiner contends that each element of the claims is taught or suggested by the combination of *John* in view of *Itoh* and *Lele*.

Claim 21 recites, in part, that a called mobile station determines whether a user of a called mobile station has confirmed a message, when a voice call is not normally established between the called mobile station and a calling mobile station.

*John* describes a connection to a voice messaging system if a calling party attempts to call the unavailable subscriber. Specifically, *John* describes that if a calling party tries to call the mobile subscriber when not available, the calling party will be routed to the voice messaging system. Accordingly, *John* teaches that a voice messaging system transmits information reflecting the state of a voice message to the calling party, and fails to disclose that the mobile station determines when a voice call is not normally established, as recited in Claim 21.

The Examiner further contends that the answer signal of *Itoh* corresponds to a confirmation message of Claim 21. *Itoh* describes that the called mobile station verifies that it has received the message correctly, and then sends an answer signal to the calling party. However, *Itoh* fails to disclose that the answer signal indicates the confirmation by a user of the called mobile station, as recited in Claim 21. Specifically, it is not possible to determine whether the user of the called mobile station has confirmed the message, when referring to the answer signal of *Itoh*. Accordingly, the confirmation message of the present invention is clearly distinguished from the answer signal of *Itoh*.

The abstract of *Lele* describes that the communication device automatically responds with a data message without disrupting the user of the called device. This data message is a pre-stored message, and not a confirmation message indicating the confirmation by the user of the called mobile station, as recited in Claim 21. Accordingly, *Lele* fails to remedy the deficiencies of *John* and *Itoh*, and Claim 21 is patentable over the combination of *John*, *Itoh* and *Lele*.


While not conceding the patentability of the dependent claims, *per se*, Claims 22-25 are also patentable for at least the above reasons. Accordingly, Claims 22-25 are allowable over *John*, *Itoh*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the rejections of Claims 20 and 26, *DeGiorgio* also fails to remedy the deficiencies described above with respect to the independent claims. While not conceding the patentability of the dependent claims, *per se*, Claims 20 and 26 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 20 and 26 are allowable over *John*, *Itoh*, *Choksi*, *Lele*, *DeGiorgio*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 16-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

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Respectfully submitted,

  
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